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13 *and Haldeman*

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15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN JOSE DIVISION

18

19 KAHEAL PARRISH,

20 Plaintiff,

21 v.

22 A. SOLIS, et al.,

23 Defendants.

24

25 C 11-1438 LHK

26 **JOINT STIPULATION AND**
[PROPOSED] ORDER FURTHER
EXTENDING TIME FOR BRIEFING ON
MOTION TO DISMISS

27 WHEREAS, on November 21, 2013, Plaintiff Kaheal Parrish ("Parrish") filed his First
Amended and Supplemental Complaint ("FAC") in the above-captioned matter;
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1 WHEREAS, on December 27, 2013, Defendants Salazar, Sanudo, Powell, R. Machuca, A.
2 Machuca and Haldeman ("Defendants") timely filed Defendants' Notice of Motion and Motion to
3 Dismiss the FAC Under Rule 12(b) ("Motion to Dismiss");

4 WHEREAS, on January 8, 2014, pursuant to the parties' stipulation, this Court ordered that
5 Parrish should have until January 24, 2014 to serve and file his Opposition to the Motion to
6 Dismiss and that Defendants shall have until February 6, 2014, to serve and file their Reply in
7 Support of the Motion to Dismiss;

8 WHEREAS, the Motion to Dismiss is currently calendared to be heard by this Court on
9 May 15, 2014, at 1:30 pm;

10 WHEREAS, for the reasons set forth on the accompanying declaration of Tatyana
11 Shmygol, Parrish's counsel request and extension of time to file an opposition to the Motion to
12 Dismiss and setting a new schedule for Defendants' reply;

13 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between
14 Parrish and Defendants, as follows:

15 1. Parrish shall have until February 14, 2014, to serve and file his Opposition to
16 the Motion to Dismiss.

17 2. Defendants shall have until February 28, 2014, to serve and file their Reply
18 in Support of the Motion to Dismiss.

19 3. The Court will hold a hearing on the Motion to Dismiss in Courtroom 8 on
20 May 15, 2014, at 1:30 pm, as provided in the January 7, 2014, Clerk's Notice Continuing Motion
21 Hearing..

22 4. Nothing about this stipulation or about Plaintiff's FAC shall be construed as
23 a waiver by either party of any other right, claim, or defense in this action.

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1 5. This stipulation is without prejudice to the right of any party to seek a further
2 adjustment to any of the dates contained in this stipulation based on future developments.

4 Dated: January 21, 2014

/s/ James E. Lyons

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Tatyana Shmygol
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Attorneys for Plaintiff
Kaheal Parrish

I, James E. Lyons, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Extending Time for Briefing on Motion to Dismiss. In
compliance with Civil Local Rule 5-1(i) I hereby attest that D. Robert Duncan has concurred in
this filing.

12 || Dated: January 21, 2014

/s/ D. Robert Duncan

D. Robert Duncan
Robert.duncan@doj.ca.gov
Deputy Attorney General
Attorney for Defendants
Salazar, Sanudo, Powell, R. Machuca, A. Machuca and
Haldeman

18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19 | Dated: 1/22/2014

By:

ORDERED.
Lucy H. Koh

Hon. Lucy M. Koh
U.S. DISTRICT COURT JUDGE